

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES, *et al.*,

Defendants.

Case No. 2:24-cv-00089-Z

CERTIFICATION OF ADMINISTRATIVE RECORD

I, Vivian S. Chu, pursuant to 28 U.S.C. § 1746, declare and state as follows:

I am currently the Division Chief, Office of Regulatory Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The Office of Regulatory Affairs serves as ATF's official point of contact for all matters relating to the creation of and/or changes to ATF's regulations and rulings, and also serves as the official liaison to the Department of Justice on all rulemaking projects. The information in this certification is based upon my personal knowledge or on information provided to me in the course of my official duties.

The materials listed in the index below, to the best of my knowledge, comprise the administrative record in the above referenced civil action.

INDEX TO THE ADMINISTRATIVE RECORD

1. Bipartisan Safer Communities Act, Public Law No. 117-159, 136 Stat. 1313 (2022)
2. Executive Order 14092, “Reducing Gun Violence and Making Our Communities Safer,” 88 Fed. Reg. 16527 (3/14/23)
3. 44 Fed. Reg. 75186 (12/19/79)
4. 45 Fed. Reg. 20930 (3/31/80)
5. Memorandum for Assistant Director, Regulatory Enforcement, ATF, from Chief, Regulations and Procedures Division, ATF, re: Evaluation of Comments Received Concerning a Definition of the Phrase “Engaged in the Business,” Notice No. 331 (6/9/80)
6. Memorandum for Director, ATF, from Assistant Director (Regulatory Enforcement), ATF, re: Engaged in the Business, Notice No. 331 (6/12/80)
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15. Letter to the Attorney General, Director of the FBI, Director of ATF, from Senators Cornyn and Tillis (11/1/22)
16. ArmsList Firearms Marketplace and list of vendors
17. U.S. Bureau of Labor Statistics: Employer Costs for Employee Compensation

18. Congressional Budget Office: Comparing the Compensation of Federal and Private-Sector Employees, 2011 – 2015
19. U.S. Department of Transportation Memo: “Revised Departmental Guidance on Valuation of Travel Time in Economic Analysis” (9/27/16)
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21. Salary Table 2023-DCB (Effective January 2023)
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24. Project Metrics Report, “Definition of ‘Engaged in the Business’ as a Dealer in Firearms,” (ATF-2023-0002)
25. Total Number of Comments Received with further breakdowns
26. Chart categorizing comments (10/4/23)
27. Citation by Issue Report, “Definition of ‘Engaged in the Business’ as a Dealer in Firearms,” Issue Numbers: 1 – 1.4; 2 – 2.8; 3 – 3.7; 4 – 4.11; 5; 6; 7; 8; 9
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68. DOJ Press Release, “Sebring Resident Sentenced to Prison for Unlawfully Dealing Firearms on Facebook” (11/7/16)

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I certify under penalty of perjury that the foregoing is true and correct.

Executed on this 17th day of September, 2024.

Vivian S. Chu
Division Chief
Office of Regulatory Affairs
Bureau of Alcohol, Tobacco, Firearms and
Explosives